



08-11-04

#9  
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UNITED STATES DEPARTMENT OF COMMERCE

PATENT AND TRADEMARK OFFICE

App. No: 09/752,502

Confirmation: N/A

Inventors: Martin J. Patko  
Michael H. Burnam  
Lisa A. Tam  
James H. Dabney

**RECEIVED**

AUG 16 2004

**OFFICE OF PETITIONS**

Filing Date: December 28, 2000

TC/A.U.: 1743

Docket: 13364

EXAMINER: Cole, Monique

Title:

**PORTABLE CO-OXIMETER**

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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

PETITION TO REVIVE UNINTENTIONALLY  
ABANDONED PATENT APPLICATION  
PURSUANT TO 37 C.F.R. 1.137(b)

Sir:

The Attorney of the above-identified patent application petitions the Commissioner for Patents and Trademarks to revive the above-identified patent application and to accept the submission of the election of inventions for this small entity case.

Enclosed is a check for the fee due of \$665.00 pursuant to 37 C.F.R.

1.17(m) for revival of an unintentionally abandoned application. Please charge any overpayments or deficiencies to Deposit Account No. 08-0765.

This application went abandoned unintentionally through loss of control of the application resulting from the withdrawal of the prior attorneys of record and the subsequent transmission of the Election/Restriction paper to the first named inventor who believed she had no duties with regard to the application and who discarded the Patent Office paper. The date of mailing of the restriction requirement was February 10, 2003, and the official abandonment date was August 29, 2003.

This petition is within one year of the abandonment date.

Enclosed with this Petition to Revive communication is:

- (I) a complete set of response papers including the election of invention 1- without traverse;
- (II) a Revocation/Appointment of Power of Attorney signed by all of the inventors vesting power in the undersigned attorney to prosecute this case on their behalf. (Two sets, one with two inventors, the other with a copy of the signatures of 2 inventors and two additional original signatures)
- (III) check No. 4109 In the amount of \$665 for the small entity Petition for

Revival fee;

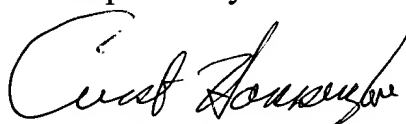
(IV) small entity statement by the assignee

(V) an acknowledgement post card.

(VI) Assignment recordal papers and cover sheet & separate check #4110 for \$40 to cover the recordal fee.

Dated: August 9, 2004

Respectfully submitted:



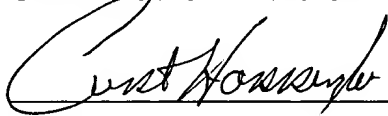
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Docket: 13364

“EXPRESS MAIL” MAILING LABEL NUMBER: **EV 329 192 910 US**

DATE OF DEPOSIT: **August 09, 2004**

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE “EXPRESS MAIL POST OFFICE TO ADDRESSEE” SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO EITHER:



Commissioner of Patents & Trademarks  
Washington, D.C. 20231  
Curtis L. Harrington, Reg. No. 31,456